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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicantss :Yoshinori NAKAJIMA et al.

Group Art Unit : 2877

Appl. No. : 10/693,904

Examiner : Hwa S. LEE

Filed : October 28, 2003

Confirmation No. : 3940

For : REFRACTOMETER

## SUPPLEMENTAL COMPLETION OF RECORD

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Supplemental to the Request for Completion of Record filed in the present application on October 2, 2008 and to the communication received in response thereto dated November 25, 2008, Applicants respectfully submit the following remarks to clarify the record of the present application as well as to correct apparent errors and misunderstandings reflected in the above noted communication.

Applicants respectfully notes the following regarding statements made in the communication dated November 25, 2008:

1. The Examiner asserted that the Information Disclosure Statement filed on October 2, 2008 fails to comply with 37 C.F.R. § 1.98(a)(3). However, an Information Disclosure Statement was not filed in the present application on October 2, 2008. Rather, an Information Disclosure Statement was filed in the present application on June 6, 2008. In response to the Examiner's improper refusal to consider two of the Japanese language documents

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listed in the above noted Information Disclosure Statement of June 6, 2008. Applicants submitted a Request for Completion of Record that was filed on October 2, 2008.

2. In referring to the translation attached to the above noted request for Completion of Record, the Examiner asserted that it appears to be a "computerized/literal translation". While it is not clear why this fact should have any bearing on the acceptability of the translation, the Examiner's statement is totally incorrect. The attached translation was prepared by a professional English-language translator that is a native Japanese speaker.

3. The Examiner asserted that the translated portion of the Japanese Office Action is not clear. Applicants respectfully submits that the translation is clear and sets forth that the record of the prior art search (i.e. the documents cited under the heading "Prior Art References", which constitute the results of prior art search) does not constitute the reason for rejection. This appears to mean that none of the references cited thereunder (i.e. under the heading "Prior Art References") are part of the rejection set forth in the previous portion of the Japanese Office Action. Thus, the references cited thereafter (i.e. under this heading), which include the two Japanese language documents that the Examiner has improperly refused to consider, do not constitute the basis for the rejection of any of the claims of the Japanese application. In other words, these appear to have been cited as of interest, but were not deemed relevant enough to be utilized in or as the basis for a rejection.

In view of the above and based on the particular portion of the M.P.E.P. section cited by the Examiner in the above noted communication, the two Japanese language documents clearly should be considered and cited in the present application. The translation attached to the Request for Completion of Record is clearly at least the equivalent of merely an "X", "Y", or "A" indication on a search report.

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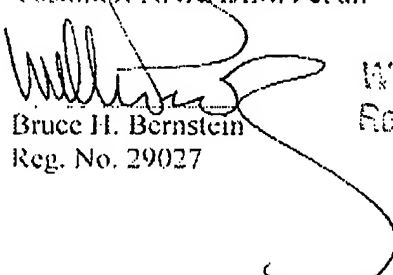
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Applicants undersigned representative has discussed the basis for the propriety of consideration of the above noted two Japanese language documents with the Examiner by telephone and has now again, by the present paper, pointed out the error in the Examiner's expressed position. Accordingly, these comments are submitted merely to make the record of the present application clear and complete.

Should the Examiner have any further comments regarding this application, the Examiner is respectfully requested to contact the undersigned at the below listed telephone number.

Respectfully Submitted,  
Yoshinori NAKAJIMA et al.

  
Bruce H. Bernstein  
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January 6, 2009  
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